IN THE HIGH COURT OF UTTARANCHAL AT NAINTIAL

Writ petition No. 2854 (M/S) 2001

(Old No. 8927 of 2000)

U.P. Forest Corporation and others ----- Petitioners

Vs.

The Presiding Officer and another ---- Respondents.

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioners have challenged the award dated 23.10.1999 passed by the Labour Court in reference No. 04 of 1998

Vide order No. 735-40 C.P. 150/97 dated 20.01.1998, the dispute was referred in the following terms:-

Whether the termination of service of Sri Mahesh Chandra Singh S/o Sri Bachi Singh vide order dated 21.11.1992 is illegal and unjustified, if so, its consequences?

After receipt of the reference, the same was registered and notices were issued to the parties. Both the parties filed their objections and cross-objections and led their evidence documentary as well as oral. After considering the evidence on record, the Tribunal has come to the conclusion that the order of termination was illegal and void as the same was passed in violation of Section 6-N of the U.P. Industrial Disputes Act.

I have perused the evidence on record and findings recorded by the Labour Court. The finding recorded by the Labour Court does not suffer from any perversity as is passed on cogent reasons. This Court in Civil writ petition No. 7009 (M/S) 2001 decided on 25.03. 2003 and in writ petition No. 1376 (M/S) 2001 decided on 21.08.2003 held that this unit of the Forest Corporation where the cutting of the trees and making logs of the timber is undertaken by the Scalers/workmen is an industrial establishment under Chapter VB of the industrial Dispute Act. Therefore, before effecting the retrenchment, provisions of Section 25-N of the Industrial Disputes Act are to be complied with. In the present case, provisions of Section 25-N have not been

applied Retrenchment order has been passed in violation of Section 25-N of the Industrial Disputes Act. Therefore, retrenchment order is void-ab-initio. Accordingly, retrenchment order is liable to be set-aside.

Thus, the impugned award, by which retrenchment order has been set-aside, does not warrant any interference under Article 226 of the Constitution. The petition is devoid of merits and is hereby dismissed.

(P.C. Verma, J.)

September 25, 2003:
NCM: